

**NOTICE OF AVAILABILITY OF DECISION
TO EXCHANGE LANDS IN
IMPERIAL, RIVERSIDE, AND SAN BERNARDINO COUNTIES, CALIFORNIA**

CACA 37101-FD, -PT and CAAZCA 37101-FD, -PT

UNITED STATES DEPARTMENT OF THE INTERIOR, Bureau of Land Management, California Desert District, 22835 Calle San Juan De Los Lagos, Moreno Valley, CA 92553

Notice is hereby given that on December 5, 2005, the California Desert District Manager and Yuma Field Manager have issued a joint decision to approve a proposed land exchange initiated by SF Pacific Properties INC., a Delaware corporation (a subsidiary of Catellus Development Corporation) of Lakewood, Colorado, as succeeded by Eugene Gabrych and Marian Gabrych, and Empire Communities, LLC, a California limited liability company, 2006 Old Highway 395, Fallbrook, California 92028.

1. The surface and subsurface (mineral rights) of the following described Federal lands have been determined to be suitable for disposal by exchange pursuant to Section 206 of the Federal Land Policy and Management Act of October 21, 1976, as amended, 43 U.S.C. 1716.

Federal land to be conveyed to the Gabrychs and Empire (exchange proponent):

County	Legal Description	Acres
Riverside	T. 8 S., R.22 E., San Bernardino Meridian, California (SBM, CA) sec. 33, SE $\frac{1}{4}$ SE $\frac{1}{4}$;	40.00
	sec. 35, lots 1 and 2, N $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.	164.70
Imperial	T. 9 S., R. 22 E., (SBM, CA) sec. 2, lots 2, 6, 7, and 8;	73.54
	sec. 3, lots 1 to 11, inclusive, 13 to 17, inclusive, and 21 to 23, inclusive;	588.82
	sec. 4, lots 1 to 14, inclusive, 16 to 18, inclusive, and S $\frac{1}{2}$ NW $\frac{1}{4}$;	648.25
	sec. 5, lots 1 to 3, inclusive, 8, 9, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SE $\frac{1}{4}$;	280.20
	sec. 8, lot 2;	3.67
	sec. 9, lots 7, 17, 19, 20, and 21;	128.01
	sec. 10, lots 5 to 8, inclusive.	79.68
	Total	2,006.87

The United States will issue two patents. Both patents will be subject to: **(a)** an exception and reservation to the United States for a right-of-way thereon for ditches or canals pursuant to 43 U.S.C. 945; and **(b)** a provision pursuant to 42 U.S.C. 9620h(3). One of the patents will **(a)** reserve a non-exclusive road right-of-way for three routes for public access purposes; and **(b)** be subject to prior existing rights of irrigation canals, a power transmission line, and a telephone line.

2. In exchange, the United States will acquire the surface and subsurface (mineral rights) of the non-Federal lands in San Bernardino County, and the surface of the non-Federal lands in Imperial County, excluding all minerals except coal or lignite, as described below. The lands in San Bernardino County will primarily benefit wilderness. Section 702 of the California Desert Protection Act of 1994 (CDPA) requires the Secretary of the Interior to give priority to consolidating land ownership in wilderness areas when preparing land tenure adjustment decisions within the California Desert Conservation Area. The wilderness areas designated in the CDPA are the Palo Verde Mountains, Rodman Mountains, Indian Pass, Cleghorn Lakes, Newberry, and Trilobite. Other benefits to this exchange include priority wildlife habitat, recreational opportunities, cultural resources, and consolidation of Federal land ownership in wilderness areas. The public interest will be well served by this exchange.

non-Federal lands to be conveyed to the United States of America and its assigns:

Legal Description	Acres
<p>Imperial County</p> <p>Palo Verde Mtns. Wilderness</p> <p>T. 9 S., R. 21 E., San Bernardino Meridian, California (SBM, CA) sec. 33, E½.</p> <p>T. 10 S., R. 21 E., (SBM, CA) sec. 3; lots 1 and 2 and S½; sec. 9, all.</p> <p>T. 10 S., R. 21 E., (SBM, CA)</p> <p>Adjacent to Cibola National Wildlife Refuge sec. 11, NW¼NE¼ and W½ EXCEPTING THEREFROM a portion conveyed to the State of California and a portion previously conveyed to the United States; sec. 25, all of the fractional section EXCEPTING THEREFROM two separate portions previously conveyed to the United States of America.</p> <p>T. 10 S., R. 21 E., (SBM, CA)</p> <p>Desert Tortoise Habitat sec. 15, all EXCEPTING THEREFROM a portion conveyed to the State of California.</p> <p>Indian Pass Wilderness</p> <p>T. 12 S., R. 21 E., (SBM, CA) sec. 13, lots 1 and 2, W½NE¼, and NW¼.</p> <p>Upstream from Draper Wash and Draper Lake</p> <p>T. 11 S., R. 22 E., (SBM, CA) sec. 31, lots 1 to 4, inclusive, E½, and E½W½.</p> <p>Gilmore's Camp</p> <p>T. 11 S., R. 22 E., (SBM, CA) sec. 17, lots 1 to 4, inclusive, and W½SW¼, together with the strip of land, if any, between the meandered lines of lots 1 to 4, inclusive, and the Colorado River.</p> <p>Imperial National Wildlife Refuge</p> <p>T. 12 S., R., 22 E., (SBM, CA) sec. 7, SW¼ and W½SE¼.</p> <p>EXCEPTING THEREFROM all the above described non-Federal lands in Imperial County, all hydrocarbons and all other mineral substances, excepting coal and lignite, as set forth in the Quitclaim Deed to Catellus Development Corporation, recorded April 9, 2002, in book 2117, page 41, Official Records, Imperial County.</p>	<p>320.00</p> <p>481.00 640.00</p> <p>314.50 173.72</p> <p>599.68</p> <p>315.95</p> <p>639.80</p> <p>430.43</p> <p>240.00</p>
SUBTOTAL – Imperial County, non-Federal Lands	4,155.08

San Bernardino County	
Newberry Mtns. Wilderness	
T. 8 N., R. 2 E., (SBM, CA) sec. 5, lots 1 to 4, inclusive, S½N½ and S½; secs. 9, 13, 17, 21, 25, 29, and 33.	672.31 4,480.00
T. 8 N., R. 3 E., (SBM, CA) sec. 17, all.	640.00
Rodman Mtns. Wilderness	
T. 7 N., R. 3 E., (SBM, CA) sec. 1, lots 1 to 4, inclusive, S½N½, and S½; sec. 13, all.	667.20 640.00
T. 7 N., R. 4 E., (SBM, CA) sec. 5, lots 1 to 4, inclusive, S½N½, and S½; secs. 9, 17, and 21.	664.56 1,920.00
T. 8 N., R. 4 E., (SBM, CA) sec. 33, all.	640.00
Cleghorn Lakes Wilderness	
T. 2 N., R. 10 E., (SBM, CA) sec. 1, lots 1 and 2 of NE¼ and lot 2 of N½NW¼.	242.78
T. 2 N., R. 11 E., (SBM, CA) sec. 1, all; sec. 3, S½; sec. 5, lots 1 to 4, inclusive, E½, and E½W½; sec. 9, N½; sec. 11, all; sec. 13, N½.	640.00 320.00 600.92 320.00 640.00 320.00
T. 2 N., R. 12 E., (SBM, CA) sec. 5, lots 1 to 4, inclusive, S½N½, and S½; sec. 7, lots 1 to 4, inclusive, E½, and E½W½; secs. 9 and 17.	645.04 652.12 1,280.00

Trilobite Wilderness	
T. 6 N., R. 13 E., (SBM, CA) sec. 1, lots 1 and 2 of NE $\frac{1}{4}$, lots 1 and 2 of NW $\frac{1}{4}$, and S $\frac{1}{2}$; sec. 13, all.	638.84 640.00
T. 7 N., R. 13 E., (SBM, CA) secs. 17, 21, 25, and 29.	2,560.00
T. 6 N., R. 14 E., (SBM, CA) sec. 1, lots 1 and 2 of NE $\frac{1}{4}$, lots 1 and 2 of NW $\frac{1}{4}$, and S $\frac{1}{2}$; sec. 5, lots 1 and 2 of NE $\frac{1}{4}$, lots 1 and 2 of NW $\frac{1}{4}$, and S $\frac{1}{2}$; secs. 9 and 13; sec. 21, N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$; sec. 25, all.	637.07 641.82 1,280.00 440.00 640.00
T. 7 N., R. 14 E., (SBM, CA) secs. 21, 29, and 33.	1,920.00
SUBTOTAL San Bernardino County Parcels	25,382.66
TOTAL (non-Federal Lands)	29,537.74

The exchange proponent will issue the United States three grant deeds in the conveyance of the non-Federal lands described in paragraph 2. The non-Federal lands in Imperial County (4,155.08 acres) will be conveyed subject to the following title encumbrances: **(a)** standard regional title company general exceptions regarding boundary, easements, liens, water rights, if any, and claims which are not shown by the public records, **(b)** lack of a right of access to/from the land ; **(c)** easements for specific purposes (amplifier/ regeneration station, communication line, public highway/roads; fiber optic, railroad, power utility and natural gas pipeline); and **(d)** any adverse claim based upon land lying below high water mark of Colorado River.

The non-Federal lands in San Bernardino County (25,382.66 acres.) will be conveyed subject to the following title encumbrances: **(a)** standard regional title company general exceptions regarding boundary, easements, liens, water rights, if any, and claims which are not shown by the public records; **(b)** lack of a right of access to/from the land; **(c)** easements for specific purposes (storm protection ditches/levees; public utility; natural gas pipeline; and patrol road and telephone/telegraph lines; and **(d)** former military use lands.

3. A copy of the decision may be obtained by writing the BLM Field Office at the above address or calling (951) 697-5390. For a period of 45 days from the date of publication of this notice, interested parties may submit written protests to the California Desert District Manager, Steven J. Borchard.

By: /s/ Alan Stein
Alan Stein, Acting District Manager
California Desert District

01-06-2006
Date